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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,265	07/25/2000	MICHAEL DAVID NEWTON	3315/23	1881

7590 05/06/2004

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New York, NY 10022-4728

EXAMINER

ROBERTS, PAUL A

ART UNIT	PAPER NUMBER
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3731

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/509,265	NEWTON, MICHAEL DAVID	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paul A Roberts	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 5-17 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 5-10 is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. As mentioned in the amendment, the election of the various species of invention found in claims 12-17 is required. The applicant's provisional election of claim 16 is noted claims 1-2, 5-11 and 16 are pending and claims 12-15, and 17 are withdrawn from further prosecution. Claim 11 is generic to the species election.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 11 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Jackson GB 2214678. Jackson discloses a control means 11, a connections means 8 for connecting the article, and a communication means on the article 2a. It is possible to use the Jackson device to inflate the tires of an ambulance, thus making the device useful for the clinical treatment of patients. Whether or not the tires on an ambulance classify as an article useful for clinical treatment of patients is debatable. Assuming the tires are not devices useful in clinical treatment of patients, the Jackson device alone fails to anticipate all the limitations of claim 11. However, there are many well-known inflatable articles that are clearly for clinical treatment of patients. Devices such as disclosed in US 5069219; US 5193549; or US 5174281 could be modified to contain the communication means of 2a from Jackson so the

Jackson device could be used to automatically inflate those devices. At the time of the invention it would have been obvious to one having ordinary skill in the art to substitute the tire article from the Jackson system with one of the well-known medical pneumatic articles of the prior art, so said articles could be automatically recognized by the Jackson device and thereby automatically inflated.

*Allowable Subject Matter*

3. Claims 1, 2, 5-10 are allowed. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

4. Regarding claim 1, the prior art does not disclose a pneumatic system wherein "upon connection of between the pump and the connection means..." This fragment of the claim is significant because it requires that the pump and the connection means to be separable/connectable parts. In Jackson, the connection means (element 8) and the pump are integral.

5. Regarding claims 2 & 5-10, the Jackson device has a communication means on exactly one of the reader or article as disclosed in the specification. There is no disclosure for a communication means on at least two of the pump, article, and connection means.

6. Regarding claim 16, the Jackson device inherently has one pressure-time profile for each device it can inflate. Nothing is disclosed in Jackson that would suggest the use of multiple profiles for each article. Patent 5938634 to Packard is concerned with inflating a dialysis bag

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wherein the pump has multiple profiles for each article. Reference '634 does not disclose that pump actually identifies the bag it inflates. Since the pump of '634 is not a simple inflation pump as disclosed in Jackson, using the Jackson device with the '634 pump would not likely yield a functional product. While a combined device of Jackson and Packard would prove useful for providing a dialysis machine that could have bags that could be swapped and identified, substantial modifications to Jackson device would be required and such modifications are not considered to be obvious. Thus the combination of Jackson and Packard would not be obvious to one of ordinary skill in the art.

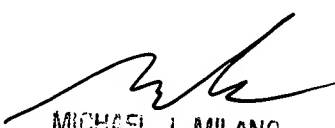
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A Roberts whose telephone number is (703) 305-7558. The examiner can normally be reached on 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J Milano can be reached on 703-308-2496. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Roberts  
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04/29/04

  
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